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These decisions of the Commission have led Mr. Meyer to conclude: "One of the most characteristic things about the Interstate Commerce Commission has been that it has repeatedly condemned great American rate practices without adequate inquiry into the part played by those practices in the development of the resources, the trade, and the industry of our country. It has rendered decisions and issued orders that in effect were national acts of legislation, and that would have destroyed great branches of established trades, when those decisions and orders were founded on nothing more than some fantastic theory invented for the occasion and in conflict with the established law of our country and the genius of our institutions."

The only rate practice of American railroads that has been approved by the Commission is that of port differentials. Mr. Meyer comments on the Commission's decision in this case as follows: "In the single instance in which the Commission judged an American rate practice on the principle that the public interest demanded that competition between rival markets and producing centers be promoted, not thwarted, the Commission was compelled to abandon the doctrine that railway rates must be based on cost of service, and was obliged to confess that it could find no 'fundamental principle by the application of which might be laid at rest' the disputes between rival producing and distributing centers. The Commission was obliged to confess that competition alone could do no more than see to it that competitive forces of trade and transportation were made with intelligence and in good faith."

In summing up the results that would follow from bestowing the power of fixing railway rates upon a Commission, Mr. Meyer says: "It is obvious that such power over railway rates would give the Commission precisely the same power to check or promote the trade and the industry of the several sections of the United States as would be conferred on the Commission by a law empowering that body to establish at its pleasure anywhere within the United States protective tariff duties, such as the several colonies habitually established before the formation of the United States. It is still more obvious that Congress never would enter directly upon the policy of regulating the commerce among the several states, by thus establishing custom barriers between the several states. The power that Congress, for reasons of public policy, would not exercise in its own right should not be bestowed upon an administration bureau, the Interstate Commerce Commission."

#### REVIEWS TO FOLLOW :

A TREATISE ON THE LAW OF AGENCY. By W. L. Clark and H. H. Skyles. Two vols. St. Paul: Keefe-Davidson Co. 1905. pp. liv, 2178.

FRENCH LAW OF EVIDENCE. By O. E. Bodington. London: Stevens & Sons. 1904. pp. viii, 199.

STREET RAILWAY REPORTS. Vol. II. Edited by Frank B. Gilbert, Albany: Matthew Bender & Co. 1904. pp. xix, 1051.

CURRENT LAW. George Foster Longsdorf, Editor in Chief. St. Paul: Keefe-Davidson Co. 1904. pp. Vol. I, x, 1208; Vol. II, xviii, 2195.